

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**EFRAIN J. ROSA,**

**Petitioner,**

**v.**

**5:18-CV-1039 (NAM)**

**5:07-CR-443 (NAM)**

**UNITED STATES OF AMERICA,**

**Respondent.**

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**Appearances:**

Efrain J. Rosa,  
*Petitioner, Pro Se*  
14606-052  
United States Penitentiary Tucson  
PO Box 24550  
Tucson, Arizona 85734

For United States of America:  
Grant C. Jaquith,  
United States Attorney  
Lisa M. Fletcher, Tamara Thompson  
Assistant United States Attorneys  
Office of United States Attorney  
100 South Clinton Street  
Syracuse, New York 13261

**Hon. Norman A. Mordue, Senior U.S. District Court Judge:**

**MEMORANDUM-DECISION AND ORDER**

Currently pending before the Court is Petitioner Efrain J. Rosa' motion to file a successive motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence based upon "newly discovered evidence." (Dkt. No. 124). Such a motion must be addressed to the Second Circuit. *See* 28 U.S.C. §§ 2244(b), 2255(h). Therefore, the motion shall be transferred

to the Second Circuit pursuant to 28 U.S.C. § 1631. *See Liriano v. United States*, 95 F.3d 119 (2d Cir. 1996).

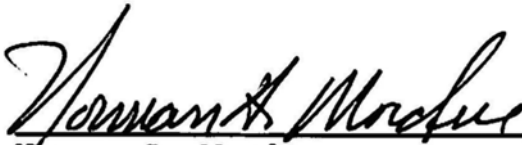
It is therefore

**ORDERED** that the Clerk of Court shall transfer this motion, (Dkt. No. 124), to the Clerk of Court for the United States Court of Appeals for the Second Circuit on the ground that it is a motion to file a successive motion under 28 U.S.C. § 2255; and it is further

**ORDERED** that the Clerk of the Court is directed to serve copies of this Memorandum-Decision and Order in accordance with the Local Rules of the Northern District of New York.

**IT IS SO ORDERED.**

Date: September 17, 2018  
Syracuse, New York

  
Norman A. Mordue  
Senior U.S. District Judge